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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,159	08/28/2003	Bradley D. Schweigert	KMC-596	7051
20322	7590	04/08/2005	EXAMINER	
SNELL & WILMER ONE ARIZONA CENTER 400 EAST VAN BUREN PHOENIX, AZ 850040001			HUNTER, ALVIN A	
			ART UNIT	PAPER NUMBER
			3711	

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/650,159

Applicant(s)

SCHWEIGERT, BRADLEY D.

Examiner

Alvin A. Hunter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/29/03 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed February 8, 2005 fails to comply with 37 CFR 1.97(c) because it lacks a statement as specified in 37 CFR 1.97(e). It has been placed in the application file, but the information referred to therein has not been considered.

Drawings

Figure s 1-3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrison (USPN 2820638) in view of applicant's admission.

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Regarding claim 1, Morrison discloses a putter club head comprising a club head body having a body axis, wherein the shaft axis defines a lie angle with respect to the body axis and the leg portion configured to deform plastically to allow adjustment of the lie angle and having a predetermined forward slant angle with respect to the body axis such that the lower shaft portion inherently remains concealed when view from directly above the club head body within a range of adjustment of the lie angle (See Figures 1 and 4). Morrison does not disclose having a hosel connecting the shaft to the club head. Applicant admits that a leg and boss are common for constructing hosels within the art. Therefore, one having ordinary skill in the art would have found it obvious to have a hosel constructed with a leg and boss, as admitted by the applicant, because it is common within the art of club heads.

Regarding claims 2-4 and 7, Morrison discloses the predetermined forward slant angle being at 1 to 3 degrees (See Column 3, lines 34 through 45).

Regarding claim 5, Applicant does not disclose why it is critical for the leg portion to only be rectangular in order to attain the invention. One having ordinary skill in the art would have found it such to be an obvious matter of design choice being that the typical hosel is cylindrical. One having ordinary skill in the art would have found it obvious to have the leg portion of the hosel of any shape so long as it facilitates attachment of the shaft to the club head.

2. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morrison (USPN 2820638) in view of applicant's admission further in view of Chuzo (JP 02-068080).

Regarding claim 6, Morrison in view of applicant's admission does not disclose the leg portion having a horizontal portion. Chuzo disclose a putter having a hosel with a horizontal portion 2 (See Abstract and Figure 3). One having ordinary skill in the art would have found it obvious to have a horizontal portion, as taught by Chuzo, in order to line up the golf club with the target.

3. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson (The Modern Guide to Golf Clubmaking) in view of applicant's admission.

Regarding claim 8, Jackson disclose a method for customizing a golf club head comprising providing a golf club head including a club head body having a body axis wherein a shaft or shaft connecting portion is attached to the club head, determining a target lie angle, and adjusting the lie angle to the target lie angle by plastically deformation. Jackson does not explicitly disclose the club having a hosel constructed of a leg portion and boss portion. Applicant admits that a leg and boss are common for constructing hosels within the art. Therefore, one having ordinary skill in the art would have found it obvious to have a hosel constructed with a leg and boss, as admitted by the applicant, because it is common within the art of club heads. Furthermore, Jackson does not disclose a hosel having a leg portion of a forward slant. It should be noted that a forward slant is not necessary in order to deform the leg portion and, therefore, could be deformed having any predetermined angle with respect to the body axis.

Regarding claim 9-11, Jackson does not discloses a lie change of a specific degree, therefore, one having ordinary skill in the art would have drawn therefrom that the lie angle may be deformed to any angle degree desired. One having ordinary skill in

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the art would have found it obvious to deform the lie to any desired angle in order to accommodate the user of the club.

4. Claims 1-5 and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrison (USPN 2820638) in view of applicant's admission further in view of Jackson (The Modern Guide to Golf Clubmaking).

Regarding claim 1, Morrison discloses a putter club head comprising a club head body having a body axis, wherein the shaft axis defines a lie angle with respect to the body axis and the leg portion configured to deform plastically to allow adjustment of the lie angle and having a predetermined forward slant angle with respect to the body axis such that the lower shaft portion inherently remains concealed when view from directly above the club head body within a range of adjustment of the lie angle (See Figures 1 and 4). Morrison does not disclose having a hosel connecting the shaft to the club head. Applicant admits that a leg and boss are common for constructing hosels within the art. Therefore, one having ordinary skill in the art would have found it obvious to have a hosel constructed with a leg and boss, as admitted by the applicant, because it is common within the art of club heads. Jackson disclose a method for customizing a golf club head comprising providing a golf club head including a club head body having a body axis wherein a shaft or shaft connecting portion is attached to the club head, determining a target lie angle, and adjusting the lie angle to the target lie angle by plastically deformation. One having ordinary skill in the art would have found it obvious to have use the method disclosed by Jackson for that taught by Morrison and the applicant's admission, in order to customize the golf club.

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Regarding claims 2-4, 7, and 9-11, Morrison discloses the predetermined forward slant angle being at 1 to 3 degrees (See Column 3, lines 34 through 45).

Regarding claim 5, Applicant does not disclose why it is critical for the leg portion to only be rectangular in order to attain the invention. One having ordinary skill in the art would have found it such to be an obvious matter of design choice being that the typical hosel is cylindrical. One having ordinary skill in the art would have found it obvious to have the leg portion of the hosel of any shape so long as it facilitates attachment of the shaft to the club head.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art applied to claim 1, as stated above, in view of Chuzo (JP 02-068080).

Regarding claim 6, the prior applied to claim 1 does not disclose the leg portion having a horizontal portion. Chuzo disclose a putter having a hosel with a horizontal portion 2 (See Abstract and Figure 3). One having ordinary skill in the art would have found it obvious to have a horizontal portion, as taught by Chuzo, in order to line up the golf club with the target.

Response to Arguments

Applicant's arguments filed 12/10/2004 have been fully considered but they are not persuasive. Applicant argues that Morrison does not teach a leg portion concealed when viewed for the top of the club head. The examiner disagrees. Applicant claims nothing about the orientation of the club when view from directly above. Is the club parallel to the surface? Does directly above refer to the club oriented parallel to the playing surface? Applicant contends that the prior art does not meet the claim but does

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not clearly define the orientation of the club to when view from directly above.

Furthermore, applicant does not claim the orientation of forward. Is forward the direction to the toe, heel, or striking face? It is believed that the rejection above is proper until further clarity to the claims are given.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin A. Hunter whose telephone number is (571) 272-4411. The examiner can normally be reached on Monday through Friday from 7:30AM to 4:00PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Vidovich, can be reached on 571-272-4415. The fax phone


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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AAH

Alvin A. Hunter, Jr.


GREGORY VIDOVICH
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